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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/688,300

10/13/2000

David Ben-Bassat

2681/IH786-US1

2948

25937

7590

07/19/2004

ZARETSKY & ASSOCIATES PC  
8753 W. RUNION DR.  
PEORIA, AZ 85382-6412

EXAMINER

KIM, KEVIN

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 07/19/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,300

Applicant(s)

BEN-BASSAT ET AL.

Examiner

Kevin Y Kim

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 13 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-59 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1, 12, 24, 37-40, 50 and 54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 1,12,24,37-40,50 and 54 are objected to because of the following informalities:

In claim 1, there is no express term “said shaped pulse” at line 4 refers back to. In the context, however, it is implied that “a first pulse shaping circuit” must generate a shaped pulse. The same is with claims 24 and 37-40. Thus, it is understood that “a first pulse shaping circuit” generates a shaped pulse, thus providing positive antecedent basis for “said shaped pulse.” An express language to the effect that “a first pulse shaping circuit” generates a shaped pulse” is strongly recommended for an easier reading of the claims.

In claim 12 at line 6, the language “second pulse shaping means” at line 16 is inconsistent with the term “a first pulse shaping circuit” used in claim 1. Note claim 12 uses “means” while claim 1 uses “circuit” when actually they refer to a same entity. For the purpose of examination, “second pulse shaping means” is understood as a second pulse shaping circuit, in consistent with the language of claim 1. The same holds for claim 50.

A correction using consistent language is strongly recommended.

In claim 54, at line 23, “a LO signal” should be “said LO signal” since “a LO signal” is already recited in claim 40. Otherwise, there exists a confusion about whether “a LO signal” recited claim 40 is identical to “a LO signal” recited in claim 54. For the purpose of examination “a LO signal” in claim 54 is understood as “said LO signal” referring back to “a LO signal” in claim 40.

Appropriate correction is required.

***Allowable Subject Matter***

2. Claims 1-59 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to teach or disclosure a direct sequence spread spectrum modem that generates a pulse from IF oscillator, shapes and spreads the pulse before up-converting the spread signal at an RF frequency, and a corresponding receiver.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendrickson et al (US 6,055,281) discloses spreading of an IF modulated signal and up-converting at an RF frequency. Fig. 1.

5. This application is in condition for allowance except for the following formal matters described above

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y Kim whose telephone number is 703-305-4082. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kvk



**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**